

REMARKS

The present application has been reviewed in light of the Office Action dated July 9, 2008. Claims 1-11 are presented for examination, of which Claims 1, 6, and 11 are in independent form. Claims 1, 6, and 11 have been amended to define aspects of Applicants' invention more clearly. Support for the claim amendments may be found, for example, at page 11, lines 7-13. Favorable consideration is respectfully requested.

The Office Action states that Claims 1, 4, 6, 9, and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,003,078 (*Kodimer et al.*); that Claims 2, 3, 7, and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kodimer et al.* in view of U.S. Patent No. 5,580,177 (*Gase*); and that Claims 5 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kodimer et al.* in view of U.S. Patent No. 5,177,505 (*Sugiura et al.*). For at least the following reasons, Applicants submit that independent Claims 1, 6, and 11, together with the claims dependent therefrom, are patentably distinct from the cited prior art.

The aspect of the present invention set forth in Claim 1 is directed to an information processing apparatus connected to a peripheral device by using a local interface. The information processing apparatus includes: (1) a display unit that displays an instruction input section that can input or instruct a command that corresponds to the local interface and is used for controlling an operation of the peripheral device onto a display screen via a Web browser; (2) a recognizing unit that recognizes the operation instructed or inputted by the instruction input section displayed by the display unit; (3) a detection unit that detects a type of an operating system installed on the information processing apparatus and detects a type of a control program corresponding to the operation recognized by the recognizing unit, and, if the type of the

operating system is different than the type of the control program, the detection unit causes downloading of a control program corresponding to the type of the operating system; (4) a calling unit that calls the control program corresponding to the operation recognized by the recognizing unit, and corresponding to the type of the operating system detected by the detection unit; (5) an issuing unit that issues the command that can be interpreted by the peripheral device and corresponds to the local interface in response to execution of the control program called by the calling unit; and (6) a transfer unit that transfers the command issued by the issuing unit to the peripheral device.

Notable features of Claim 1 are that the information apparatus includes a detection unit that detects a type of an operating system installed on the information processing apparatus and detects a type of a control program corresponding to the operation recognized by the recognizing unit, and, if the type of the operating system is different than the type of the control program, the detection unit causes downloading of a control program corresponding to the type of the operating system; and that the information apparatus includes a calling unit that calls the control program corresponding to the operation recognized by the recognizing unit, and corresponding to the type of the operating system detected by the detection unit. By virtue of these features, after an older type of an operating system installed on the information processing apparatus has been upgraded to a newer type of the operating system, the information processing apparatus obtains and executes a newer type of control program that matches the newer type of operating system, which prevents the older type of control program from being executed by the information processing apparatus, for example.^{1/}

^{1/} The example(s) presented herein are intended for illustrative purposes only. Any details presented in the illustrative example(s) should not be construed to limit the scope of the claims.

Kodimer et al. relates to a network peripheral device that can send an automatic service request over a network. Nothing has been found in *Kodimer et al.* that is believed to teach or suggest an information processing apparatus including a “detection unit that detects a type of an operating system installed on said information processing apparatus and detects a type of a control program corresponding to the operation recognized by the recognizing unit, and, if the type of the operating system is different than the type of the control program, the detection unit causes downloading of a control program corresponding to the type of the operating system,” and a “calling unit that calls the control program corresponding to the operation recognized by said recognizing unit, and corresponding to the type of the operating system detected by said detection unit,” as recited in Claim 1.

Accordingly, Applicants submit that Claim 1 is not anticipated by *Kodimer et al.*, and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b).

Independent Claims 6 and 11 include features similar to those of Claim 1 and are believed to be patentable over *Kodimer et al.* for at least the reasons discussed above. The other rejected claims in the present application depend from one or another of the independent Claims 1, 6, and 11, and therefore are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual consideration of the patentability of each claim on its own merits is respectfully requested.

A review of *Gase* and *Sugiura et al.* has failed to reveal anything that would cure the above-noted deficiencies of *Kodimer et al.* Therefore, the claims of the present application are submitted to be patentable over any combination of *Kodimer et al.*, *Gase*, and *Sugiura et al.*

In view of the foregoing amendments and remarks, Applicants respectfully request favorable consideration and an early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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